

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT**OFFENSE CHARGED**☒ SUPERSEDING

See attached.

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

DIONTE HOUFF

DISTRICT COURT NUMBER
CR 12-00574-1 PJH

FILED
 JUN 18 2015
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPL. (ATF)

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE
CASE NO.☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

4-12-70778 MAG

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) BRIGID S. MARTIN

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction☒ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: NA

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

PENALTY SHEET ATTACHMENT – DIONTE HOUFF
(a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay")

Count One: Racketeering Conspiracy (18 U.S.C. § 1962(d))

Maximum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Nine: Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(1) and 2)

Maximum punishment is death (government is not seeking the death penalty)

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Ten, Twelve, Fourteen, Sixteen, Eighteen, and Twenty: Assault with a Dangerous Weapon in Aid of Racketeering (18 U.S.C. §§ 1959(a)(3) and 2)

For *each* count:

Maximum term of 20 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Eleven, Thirteen, Fifteen, Seventeen, Nineteen, and Twenty-One: Attempted Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(5) and 2)

For *each* count:

Maximum term of 10 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Two: Use of Firearm in Furtherance of a Crime of Violence Causing Death (18 U.S.C. § 924(j)(1))

Maximum punishment is death (government is not seeking the death penalty)

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Three: Use of Firearm in Furtherance of a Crime of Violence (18 U.S.C. § 924(c)(1)(A))

Mandatory minimum term of 10 years imprisonment, consecutive

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☒ SUPERSEDING**OFFENSE CHARGED**

See attached.

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

HOUSTON NATHANIEL III

DISTRICT COURT NUMBER

CR 12-00574-2 PJH

FILED a
 JUN 18 2015
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPL. (ATF)

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

BRIGID S. MARTIN

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☐ Federal ☒ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

 Month/Day/Year
 December 8, 2011

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: NA

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**PENALTY SHEET ATTACHMENT – HOUSTON NATHANIEL, III
(a/k/a “No No,” a/k/a “Lil No”)**

Count One: Racketeering Conspiracy (18 U.S.C. § 1962(d))

Maximum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Two: Maiming in Aid of Racketeering (18 U.S.C. §§ 1959(a)(2) and 2)

Maximum term of 30 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Three, Six, Ten, Twelve, Fourteen, Sixteen, Eighteen, and Twenty: Assault with a Dangerous Weapon in Aid of Racketeering (18 U.S.C. §§ 1959(a)(3) and 2)

For *each* count:

Maximum term of 20 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Four, Seven, Eleven, Thirteen, Fifteen, Seventeen, Nineteen, and Twenty-One: Attempted Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(5) and 2)

For *each* count:

Maximum term of 10 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Nine: Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(1) and 2)

Maximum punishment is death (government is not seeking the death penalty)

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Two: Use of Firearm in Furtherance of a Crime of Violence Causing Death (18 U.S.C. § 924(j)(1))

Maximum punishment is death (government is not seeking the death penalty)

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Counts Five, Eight and Twenty-Three: Use of Firearm in Furtherance of a Crime of Violence (18 U.S.C. § 924(c)(1)(A))

For *each* count:

Mandatory minimum term of 10 years imprisonment, consecutive

Conviction on second and successive convictions: mandatory minimum term of 25 years imprisonment, consecutive

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See attached.

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED**DEFENDANT - U.S.**

JOHN DEVALIER DANIELS

DISTRICT COURT NUMBER
CR 12-00574-3 PJH

JUN 18 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION (FBI) AND ATF

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☒ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

4-15-70165 MAG

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

BRIGID S. MARTIN

DEFENDANT**IS NOT IN CUSTODY**
 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☒ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
PROCESS:
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: NA

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

ADDITIONAL INFORMATION OR COMMENTS

PENALTY SHEET ATTACHMENT – JOHN DEVALIER DANIELS
(a/k/a “John De’valia,” a/k/a “Lil John”)

Count One: Racketeering Conspiracy (18 U.S.C. § 1962(d))

Maximum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Four: Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(1) and 2)

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Five: Use of Firearm in Furtherance of a Crime of Violence Causing Death (18 U.S.C. § 924(j)(1))

Maximum punishment is death

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Six: Use of Firearm in Furtherance of a Crime of Violence (18 U.S.C. § 924(c)(1)(A))

Mandatory minimum term of 10 years imprisonment, consecutive

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT**OFFENSE CHARGED**☒ SUPERSEDING

See attached.

- ☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: See attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

JERMAINE EARNEST

DISTRICT COURT NUMBER

CR 12-00574-4 PJH

FILED
 JUN 18 2015
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION (FBI) AND ATF

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

CR 15-0529 PJH

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) BRIGID S. MARTIN

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☒ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

SANTA RITA JAIL

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year
 September 4, 2014

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: NA

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

PENALTY SHEET ATTACHMENT – JERMAINE EARNEST
(a/k/a “Maine,” a/k/a “Acorn Maine”)

Count One: Racketeering Conspiracy (18 U.S.C. § 1962(d))

Maximum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Four: Murder in Aid of Racketeering (18 U.S.C. §§ 1959(a)(1) and 2)

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Five: Use of Firearm in Furtherance of a Crime of Violence Causing Death (18 U.S.C. § 924(j)(1))

Maximum punishment is death

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Six: Use of Firearm in Furtherance of a Crime of Violence (18 U.S.C. § 924(c)(1)(A))

Mandatory minimum term of 10 years imprisonment, consecutive

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

Count Twenty-Seven: Felon in Possession of a Firearm (18 U.S.C. § 922(g)(1))

Maximum prison sentence 10 years

Maximum fine \$250,000

Maximum term of supervised release 3 years

Mandatory special assessment \$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

UNITED STATES OF AMERICA,

V.

DIONTE HOUFF,

a/k/a "Bird,"

a/k/a "Birdman,"

a/k/a "Tay,"

HOUSTON NATHANIEL, III,

a/k/a "No No,"

a/k/a "Lil No,"

JOHN DEVALIER DANIELS,

a/k/a "John De'valia,"

a/k/a "Lil John," and

JERMAINE EARNEST,

a/k/a "Maine,"

a/k/a "Acorn Maine,"

DEFENDANT.

FILED *a*
JUN 18 2015
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

SUPERSEDING INDICTMENT

Title 18, United States Code, Section 1962(d) - Racketeering Conspiracy; Title 18, United States Code, Section 1959 - Violent Crimes in Aid of Racketeering; Title 18, United States Code, Section 924(c) - Use/Possession of Firearm in Furtherance of Crime of Violence; Title 18, United States Code, Section 924(j) - Use of Firearm in Furtherance of a Crime of Violence Causing Death; Title 18, United States Code, Section 2 - Aiding and Abetting; and Title 18, United States Code, Section 922(g)(1) - Felon in Possession of a Firearm

A true bill.

John Clinton Carroll
Foreman

Filed in open court this 18 day of

June 2015

Ray L. Garcia
Clerk

6/18/15

Bail, \$ no process

MELINDA HAAG (CABN 132612)
United States Attorney

FILED
JUN 18 2015
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIONTE HOUFF,

a/k/a "Bird,"

a/k/a "Birdman,"

a/k/a "Tay,"

HOUSTON NATHANIEL, III,

a/k/a "No No,"

a/k/a "Lil No,"

JOHN DEVALIER DANIELS,

a/k/a "John De'valia,"

a/k/a "Lil John," and

JERMAINE EARNEST,

a/k/a "Maine,"

a/k/a "Acorn Maine,"

Defendants.

NO. CR 12-00574 PJH

VIOLATIONS: Title 18, United States Code, Section 1962(d) – Racketeering Conspiracy; Title 18, United States Code, Section 1959 – Violent Crimes in Aid of Racketeering; Title 18, United States Code, Section 924(c) – Use/Possession of Firearm in Furtherance of Crime of Violence; Title 18, United States Code, Section 924(j) – Use of Firearm in Furtherance of a Crime of Violence Causing Death; Title 18, United States Code, Section 2 – Aiding and Abetting; and Title 18, United States Code, Section 922(g)(1) – Felon in Possession of a Firearm

OAKLAND VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

SUPERSEDING INDICTMENT

1 COUNT ONE: (18 U.S.C. § 1962(d) – Racketeering Conspiracy)

2 Introductory Allegations

3 1. At all times relevant to this Information, “Acorn” was a street gang that formed in
4 Oakland, California, in the 1980s, when its members originally called themselves the “Acorn Mob.”
5 Acorn members engaged in drug distribution, robbery, and other criminal acts for the financial profit of
6 its members and to promote respect for and fear of the gang.

7 2. Acorn was primarily comprised of African American males and females of all ages.
8 Acorn operated and controlled the West Oakland neighborhood in and around the Acorn Redevelopment
9 Housing Project from which the gang’s name derives. The geographic territory or “turf” claimed by the
10 Acorn gang was roughly bordered by 12th Street to the north, 7th Street to the south, Market Street to the
11 east, and Union Street to the west, and included the Acorn Tower, Mohr Tower, and City Tower housing
12 complexes.

13 3. Most Acorn members lived or had previously lived in Acorn territory, or had
14 family who lived in Acorn territory. Membership was often through association with existing Acorn
15 members. Prospective members had to commit crimes to prove themselves and their loyalty to the gang.

16 4. Some Acorn members also identified as members of one or more smaller subsets of the
17 main gang, generally divided by age. Subsets of Acorn with which older Acorn members identified –
18 i.e., approximately age 25 and older – included “Acorn Mob,” “Gas Team,” and “A-Team.” Subsets of
19 Acorn claimed by younger Acorn members – i.e., under age 25 – included “Baby Gas Team,” “Junior
20 Gas Team,” and “TOI” (“Take Off Instantly”). Anyone claiming affiliation with one of these subsets
21 also claimed membership in the main Acorn gang.

22 5. Members identified themselves and showed loyalty to Acorn through tattoos,
23 clothing items, and hand signs. Acorn members often used Internet social networking sites to promote
24 Acorn and to disrespect rival gangs. Acorn members often referred to one another by street monikers as
25 a sign of respect, as well as to avoid detection by law enforcement, and may not know fellow gang
26 members by any name other than their street names.

27 6. The principal, although not the only, rival to Acorn was the “Lower Bottoms,”
28

1 also referred to as "the Bottoms." Lower Bottoms was a street gang that claims the territory in the
2 Lower Bottoms neighborhood of West Oakland, including the Campbell Village housing project.

3 The Racketeering Enterprise

4 7. Acorn, including its leadership, members, and associates constituted an "enterprise," as
5 defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in
6 fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit
7 for a common purpose of achieving the objectives of the enterprise. The enterprise was engaged in, and
8 its activities affected, interstate and foreign commerce.

9 Purposes of the Enterprise

10 8. The purposes of the Acorn enterprise included the following:

11 a. Preserving and protecting the territory, power, profits, and reputation of Acorn
12 through the use of intimidation, violence, threat of violence, assault, and murder;

13 b. Enriching the members and associates of Acorn through, among
14 other things, the control of and participation in the distribution of controlled substances in the territory
15 controlled by the enterprise;

16 c. Enriching the members and associates of Acorn through, among
17 other things, violence and threats of violence, extortion, assault, and robbery;

18 d. Promoting and enhancing the activities and authority of Acorn and its members
19 and associates;

20 e. Keeping victims, potential victims, and witnesses in fear of Acorn and in fear of
21 its members and associates through violence and threats of violence;

22 f. Providing financial support to other Acorn members, including those incarcerated
23 for committing acts of violence, robbery, distribution of controlled substances, and other offenses; and

24 g. Providing assistance to other Acorn members who committed crimes for and on
25 behalf of Acorn, to hinder, obstruct and prevent law enforcement officers from identifying,
26 apprehending, and successfully prosecuting the offenders.

27 The Defendants

1 9. The defendant, DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay,"
2 has been a member of the Acorn gang since at least in or about 2000, when he was approximately 20
3 years old. HOUFF, now 32, is one of the older members of Acorn.

4 10. The defendant, HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," has
5 been a member of Acorn since at least in or about 2008, when he was approximately 19 years old.
6 NATHANIEL is a leader among younger Acorn members.

7 11. The defendant, JOHN DEVALIER DANIELS, a/k/a "John De'valia," a/k/a "Lil John,"
8 has been a member of the Acorn gang since at least in or about 2005, when he was approximately 17
9 years old.

10 12. The defendant, JERMAINE EARNEST, a/k/a "Maine," a/k/a "Acorn Maine," has been a
11 member of the Acorn gang since at least in or about 2003, when he was approximately 13 years old.

12 13. Among other activities taken in furtherance of the Acorn gang, on or about November 6,
13 2011, in the vicinity of 10th and Peralta Streets in Oakland, California, NATHANIEL and at least one
14 accomplice shot and maimed a teenaged boy ("Victim-1"). Later on or about November 6, 2011, in the
15 vicinity of the Acorn housing project on Adeline Street in Oakland, California, NATHANIEL and at
16 least one accomplice shot and wounded another teenaged boy ("Victim-2"). In addition, on or about
17 November 28, 2011, in the vicinity of 7th and Willow Streets in Oakland, California, HOUFF,
18 NATHANIEL, and an Accomplice shot at a group of individuals whom they believed were rival gang
19 members, hitting seven of the individuals ("Victim-3," "Victim-4," "Victim-5," "Victim-6," "Victim-7,"
20 and "Victim-8") and killing an infant (the "Infant Victim"). In addition, on or about April 16, 2014, in
21 the vicinity of 10th and Willow Streets in Oakland, California, EARNEST shot and killed an individual
22 he identified as a rival gang member ("Victim-10"), during a drive-by shooting in which DANIELS was
23 the driver.

24 14. The defendants, who are members of Acorn, acted individually, with each other, and also
25 with other member and non-member Acorn associates in the commission of racketeering activities and
26 other criminal conduct.

The Racketeering Conspiracy

15. Beginning on a date unknown to the Grand Jury but since at least 2008, and continuing up through and including the present, in the Northern District of California and elsewhere, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay,"

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

JOHN DEVALIER DANIELS, a/k/a "John De'valia," a/k/a "Lil John," and

JERMAINE EARNEST, a/k/a "Maine," a/k/a "Acorn Maine,"

together with others known and unknown, each being a person employed by and associated with Acorn, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, knowingly, and intentionally did conspire to violate Title 18, United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the conduct of the affairs of the Acorn enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Section 1961(1) and (5), which pattern of racketeering activity consisted of:

a. multiple acts and threats involving murder, in violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664, 653f, and 422; robbery, in violation of California Penal Code §§ 211, 212, 212.5, 213, 182, 21a, and 664; and extortion, in violation of California Penal Code §§ 518, 519, 520, 524, 664, and 182;

b. multiple acts involving dealing in controlled substances, in violation of 21 U.S.C. §§ 841(a)(1) and 846; and

c. multiple acts indictable under 18 U.S.C. §§ 1951, 1513, 1512, and 1503.

16. It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

Manner and Means of the Conspiracy

17. It was part of the manner and means of the conspiracy that the defendants and other members and associates of Acorn discussed with other members and associates of Acorn, among other

1 things: the status of Acorn members and associates who were arrested or incarcerated; how to handle
2 internal Acorn disagreements among members; Acorn members' encounters with law enforcement; the
3 identities of individuals suspected of cooperating with law enforcement; and plans and agreements
4 regarding the commission of future crimes, including murder, robbery, extortion, narcotics distribution,
5 illegal possession of firearms, and assault.

6 18. It was further part of the manner and means of the conspiracy that the defendants
7 and other members and associates of Acorn agreed that acts of violence, including murder, attempted
8 murder, and assault, would be committed by members and associates of Acorn against rival gang
9 members and others when it suited the enterprise's purpose.

10 19. It was further part of the manner and means of the conspiracy that the defendants
11 and other members and associates of Acorn agreed to distribute controlled substances, to commit
12 robbery, extortion, and other crimes, and to conceal their criminal activities by threatening and
13 intimidating witnesses, among other manner and means.

14 All in violation of Title 18, United States Code, Section 1962(d).

15 COUNT TWO: (18 U.S.C. § 1959(a)(2) – Maiming in Aid of Racketeering of Victim-1)

16 20. Paragraphs 1 through 14, and 17 through 19 of this Superseding Indictment are realleged
17 and incorporated by reference as though fully set forth herein.

18 21. At all times relevant to this Superseding Indictment, Acorn constituted an enterprise as
19 defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in
20 fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The
21 enterprise constituted an ongoing organization whose members functioned as a continuing unit for a
22 common purpose of achieving the objectives of the enterprise.

23 22. At all times relevant to this Superseding Indictment, Acorn, the above-described
24 enterprise, through its members and associates, engaged in racketeering activity, as defined in Title 18,
25 United States Code, Sections 1959(b)(1) and 1961(1), namely, multiple acts and threats involving
26 murder, in violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664, 653f and 422; robbery, in
27 violation of California Penal Code §§ 211, 212, 212.5, 213, 182, 21a, and 664; and extortion, in

violation of California Penal Code §§ 518, 519, 520, 524, 664, and 182; multiple acts involving dealing in a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 846; and multiple acts indictable under 18 U.S.C. §§ 1951, 1513, 1512, and 1503.

23. On or about November 6, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendant,

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," together with others known and unknown, unlawfully, willfully, and intentionally did maim Victim-1, in violation of California Penal Code, Sections 203, 204, and 205.

All in violation of Title 18, United States Code, Sections 1959(a)(2) and 2.

COUNT THREE: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-1)

24. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

25. On or about November 6, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendant,

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," together with others known and unknown, unlawfully, willfully, and intentionally did assault Victim-1 with a dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT FOUR: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of Victim-1)

26. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

27. On or about November 6, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendant,

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
together with others known and unknown, unlawfully, willfully, and intentionally did attempt to murder
Victim-1, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

COUNT FIVE: (18 U.S.C. § 924(c)(1)(A) – Use/Possession of Firearm in Furtherance of Crime of
Violence)

28. On or about November 6, 2011, in the Northern District of California, the
defendant,

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
together with others known and unknown, unlawfully, willfully, and knowingly did use and carry a
firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the
United States, namely, the maiming in aid of racketeering of Victim-1 charged in Count Two of this
Superseding Indictment, the assault with a dangerous weapon in aid of racketeering of Victim-1 charged
in Count Three of this Superseding Indictment, and the attempted murder in aid of racketeering of
Victim-1 charged in Count Four of this Superseding Indictment, and did possess, brandish, and
discharge a firearm in furtherance of the offenses charged in Counts Two, Three, and Four of this
Superseding Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

COUNT SIX: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering
of Victim-2)

29. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding
Indictment are realleged and incorporated by reference as though fully set forth herein.

30. On or about November 6, 2011, in the Northern District of California, for the
purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged
in racketeering activity, the defendant,

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

1 together with others known and unknown, unlawfully, willfully, and intentionally did assault Victim-2
2 with a dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

3 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

4 COUNT SEVEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of Victim-2)

5 33. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding
6 Indictment are realleged and incorporated by reference as though fully set forth herein.

7 32. On or about November 6, 2011, in the Northern District of California, for the
8 pose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
9 engaged in racketeering activity, the defendant,

10 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
11 together with others known and unknown, unlawfully, willfully, and intentionally did attempt to murder
12 Victim-2, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

13 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

14 COUNT EIGHT: (18 U.S.C. § 924(c)(1)(A) – Use/Possession of Firearm in Furtherance of Crime
15 of Violence)

16 33. On or about November 6, 2011, in the Northern District of California, the defendant,

17 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"
18 together with others known and unknown, unlawfully, willfully, and knowingly did use and carry a
19 firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the
20 United States, namely, the assault with a dangerous weapon in aid of racketeering of Victim-2 charged
21 in Count Six of this Superseding Indictment and the attempted murder in aid of racketeering of Victim-2
22 charged in Count Seven of this Superseding Indictment, and did possess, brandish, and discharge a
23 firearm in furtherance of the offenses charged in Counts Six and Seven of this Superseding Indictment.

24 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

25 COUNT NINE: (18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering of the Infant Victim)

26 34. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding
27 Indictment are realleged and incorporated by reference as though fully set forth herein.

35. On or about November 28, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

together with others known and unknown, unlawfully, willfully, and intentionally did murder the Infant Victim, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT TEN: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-3)

36. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

37. On or about November 28, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

together with others known and unknown, unlawfully, willfully, and intentionally did assault Victim-3 with a dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT ELEVEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of Victim-3)

38. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

39. On or about November 28, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

together with others known and unknown, unlawfully, willfully, and intentionally did attempt to murder Victim-3, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

COUNT TWELVE: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-4)

40. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

41. On or about November 28, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

together with others known and unknown, unlawfully, willfully, and intentionally did assault Victim-4 with a dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT THIRTEEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of Victim-4)

42. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

43. On or about November 28, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

1 together with others known and unknown, unlawfully, willfully, and intentionally did attempt to murder
2 Victim-4, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

3 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

4 COUNT FOURTEEN: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of
5 Racketeering of Victim-5)

6 44. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding
7 Indictment are realleged and incorporated by reference as though fully set forth herein.

8 45. On or about November 28, 2011, in the Northern District of California, for the
9 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged
10 in racketeering activity, the defendants,

11 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

12 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

13 together with others known and unknown, unlawfully, willfully, and intentionally did assault Victim-5
14 with a dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

15 COUNT FIFTEEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of
16 Victim-5)

17 46. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding
18 Indictment are realleged and incorporated by reference as though fully set forth herein.

19 47. On or about November 28, 2011, in the Northern District of California, for the
20 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise
21 engaged in racketeering activity, the defendants,

22 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

23 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

24 together with others known and unknown, unlawfully, willfully, and intentionally did attempt to murder
25 Victim-5, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

26 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

1 COUNT SIXTEEN: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of
2 Racketeering of Victim-6)

3 48. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding
4 Indictment are realleged and incorporated by reference as though fully set forth herein.

5 49. On or about November 28, 2011, in the Northern District of California, for the
6 purpose of gaining entrance to, and maintaining and increasing position in Acorn, an enterprise engaged
7 in racketeering activity, the defendants,

8 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

9 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

10 together with others known and unknown, unlawfully, willfully, and intentionally did assault Victim-6
11 with a dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

12 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

13 COUNT SEVENTEEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of
14 Victim-6)

15 50. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding
16 Indictment are realleged and incorporated by reference as though fully set forth herein.

17 51. On or about November 28, 2011, in the Northern District of California, for the
18 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged
19 in racketeering activity, the defendants,

20 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

21 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

22 together with others known and unknown, unlawfully, willfully, and intentionally did attempt to
23 murder Victim-6, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

24 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

25 COUNT EIGHTEEN: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of
26 Racketeering of Victim-7)

52. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

53. On or about November 28, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

together with others known and unknown, unlawfully, willfully, and intentionally did assault Victim-7 with a dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT NINETEEN: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of Victim-7)

54. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

55. On or about November 28, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in racketeering activity, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

together with others known and unknown, unlawfully, willfully, and intentionally did attempt to murder Victim-7, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

COUNT TWENTY: (18 U.S.C. § 1959(a)(3) – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-8)

56. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

57. On or about November 28, 2011, in the Northern District of California, for the

1 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged
2 in racketeering activity, the defendants,

3 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

4 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

5 together with others known and unknown, unlawfully, willfully, and intentionally did assault Victim-8
6 with a dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

7 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

8 COUNT TWENTY-ONE: (18 U.S.C. § 1959(a)(5) – Attempted Murder in Aid of Racketeering of
9 Victim-8)

10 58. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding
11 Indictment are realleged and incorporated by reference as though fully set forth herein.

12 59. On or about November 28, 2011, in the Northern District of California, for the
13 purpose of gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged
14 in racketeering activity, the defendants,

15 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

16 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

17 together with others known and unknown, unlawfully, willfully, and intentionally did attempt to murder
18 Victim-8 in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

19 All in violation of Title 18, United States Code, Sections 1959(a)(5) and 2.

20 COUNT TWENTY-TWO: (18 U.S.C. § 924(j)(1) – Use of a Firearm in Furtherance of Crime of
21 Violence Causing the Death of the Infant Victim)

22 60. On or about November 28, 2011, in the Northern District of California, the
23 defendants,

24 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

25 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

26 together with others known and unknown, unlawfully, willfully, and knowingly, during and in relation
27 to a crime of violence for which they may be prosecuted in a court of the United States, namely: the
28

murder in aid of racketeering of the Infant Victim, charged in Count Nine of this Superseding Indictment; the assault with a dangerous weapon in aid of racketeering of Victim-3, Victim-4, Victim-5, Victim-6, Victim-7, and Victim-8, charged in Counts Ten, Twelve, Fourteen, Sixteen, Eighteen, and Twenty, respectively, of this Superseding Indictment; and the attempted murder in aid of racketeering of Victim-3, Victim-4, Victim-5, Victim-6, Victim-7, and Victim-8, charged in Counts Eleven, Thirteen, Fifteen, Seventeen, Nineteen, and Twenty-One, respectively, of this Superseding Indictment, did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and in the course of that crime did cause the death of the Infant Victim through the use of a firearm, which killing was murder as defined in Title 18, United States Code, Section 1111, and manslaughter as defined in Title 18, United States Code, Section 1112.

All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

COUNT TWENTY-THREE: (18 U.S.C. § 924(c)(1)(A) – Use/Possession of Firearm in Furtherance of Crime of Violence)

61. On or about November 28, 2011, in the Northern District of California, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

together with others known and unknown, unlawfully, willfully, and knowingly did use and carry a firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely: the murder in aid of racketeering of the Infant Victim, charged in Count Nine of this Superseding Indictment; the assault with a dangerous weapon in aid of racketeering of Victim-3, Victim-4, Victim-5, Victim-6, Victim-7, and Victim-8, charged in Counts Ten, Twelve, Fourteen, Sixteen, Eighteen, and Twenty, respectively, of this Superseding Indictment; and the attempted murder in aid of racketeering of Victim-3, Victim-4, Victim-5, Victim-6, Victim-7, and Victim-8, charged in Counts Eleven, Thirteen, Fifteen, Seventeen, Nineteen, and Twenty-One, respectively, of this Superseding Indictment, and did possess, brandish, and discharge a firearm in furtherance of the

1 offenses charged in Counts Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen,
2 Eighteen, Nineteen, Twenty, and Twenty-One of this Superseding Indictment.

3 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

4 COUNT TWENTY-FOUR: (18 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering of Victim-10)

5 62. Paragraphs 1 through 14, 17 through 19, and 20 through 21 of this Superseding
6 Indictment are realleged and incorporated by reference as though fully set forth herein.

7 63. On or about April 16, 2014, in the Northern District of California, for the purpose of
8 gaining entrance to, and maintaining and increasing position in, Acorn, an enterprise engaged in
9 racketeering activity, the defendants,

10 JOHN DEVALIER DANIELS, a/k/a “John De’valia,” a/k/a “Lil John,” and

11 JERMAINE EARNEST, a/k/a “Maine,” a/k/a “Acorn Maine,”

12 together with others known and unknown, unlawfully, willfully, and intentionally did murder Victim-10,
13 in violation of California Penal Code, Sections 187, 188, 189, and 21a.

14 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

15 COUNT TWENTY-FIVE: (18 U.S.C. § 924(j)(1) – Use of a Firearm in Furtherance of Crime of
16 Violence Causing the Death Victim-10)

17 64. On or about April 16, 2014, in the Northern District of California, the
18 defendants,

19 JOHN DEVALIER DANIELS, a/k/a “John De’valia,” a/k/a “Lil John,” and

20 JERMAINE EARNEST, a/k/a “Maine,” a/k/a “Acorn Maine,”

21 together with others known and unknown, unlawfully, willfully, and knowingly, during and in relation
22 to a crime of violence for which they may be prosecuted in a court of the United States, namely, the
23 murder in aid of racketeering of Victim-10, charged in Count Twenty-Four of this Superseding
24 Indictment, did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and in
25 the course of that crime did cause the death of Victim-10 through the use of a firearm, which killing was
26 murder as defined in Title 18, United States Code, Section 1111, and manslaughter as defined in Title
27 18, United States Code, Section 1112.

1 All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

2 COUNT TWENTY-SIX: (18 U.S.C. § 924(c)(1)(A) – Use/Possession of Firearm in Furtherance of
3 Crime of Violence)

4 65. On or about April 16, 2014, in the Northern District of California, the
5 defendants,

6 JOHN DEVALIER DANIELS, a/k/a “John De’valia,” a/k/a “Lil John,” and

7 JERMAINE EARNEST, a/k/a “Maine,” a/k/a “Acorn Maine,”

8 together with others known and unknown, unlawfully, willfully, and knowingly did use and carry a
9 firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the
10 United States, namely, the murder in aid of racketeering of Victim-10, charged in Count Twenty-Four of
11 this Superseding Indictment, and did possess, brandish, and discharge a firearm in furtherance of the
12 offense charged in Count Twenty-Four of this Superseding Indictment.

13 COUNT TWENTY-SEVEN: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm

14 66. On or about September 4, 2014, in the Northern District of California, the defendant,
15 JERMAINE EARNEST,
16 after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one
17 year, unlawfully and knowingly possessed a firearm in and affecting interstate commerce, to wit, a .45
18 caliber Taurus firearm, serial number NEP04505.

19 All in violation of Title 18, United States Code, Section 922(g)(1).

20 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d)(1) – Firearm-Related Forfeiture)

21 67. The allegations contained in Count Twenty-Seven of this Superseding Indictment are re-
22 alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to
23 the provisions of 18 U.S.C. § 924(d)(1).

24 68. Upon a conviction of the offense alleged in Count Twenty-Seven above, the defendant,
25 JERMAINE EARNEST,
26

1 shall forfeit to the United States any firearm or ammunition involved in or used in any knowing
 2 violation of said offense, including but not limited to the following property:

- 3 a. One .45 caliber Taurus firearm, serial number NEP04505; and
- 4 b. Any and all ammunition loaded in the aforementioned firearm.

5 All pursuant to Title 18, United States Code, Section 924(d)(1).

6 NOTICE OF SPECIAL SENTENCING FACTORS REGARDING COUNT ONE

7 Number 1: Conspiracy to Commit Murder

8 69. Beginning on a date unknown to the Grand Jury but since at least 2008, and continuing
 9 up through and including the present, in the Northern District of California and elsewhere, the
 10 defendants,

11 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay,"

12 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

13 JOHN DEVALIER DANIELS, a/k/a "John De'valia," a/k/a "Lil John," and

14 JERMAINE EARNEST, a/k/a "Maine," a/k/a "Acorn Maine,"

15 together with others known and unknown, unlawfully, knowingly and intentionally did conspire to
 16 commit murder, in violation of California Penal Code §§ 187, 188, 189, and 182, to wit, the defendants
 17 agreed together and with each other to kill, with malice aforethought, actual and suspected members of
 18 rival gangs to Acorn, individuals suspected of cooperating with law enforcement, and individuals who
 19 defied the will of Acorn.

20 Number 2: HOUSTON NATHANIEL, III - Attempted First Degree Murder of Victim-1

21 70. On or about November 6, 2011, in the Northern District of California, the
 22 defendant,

23 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

24 unlawfully, willfully, and intentionally, and with deliberation and premeditation, did attempt to kill, with
 25 malice aforethought, Victim-1, in violation of California Penal Code, Sections 187, 188, 189, 21a, and
 26 664.

Number 3: HOUSTON NATHANIEL, III - Attempted First Degree Murder of Victim-2

71. On or about November 6, 2011, in the Northern District of California, the defendant,

HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," unlawfully, willfully, and intentionally, and with deliberation and premeditation, did attempt to kill, with malice aforethought, Victim-2, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

Number 4: DIONTE HOUFF and HOUSTON NATHANIEL, III - Murder of the Infant Victim

72. On or about November 28, 2011, in the Northern District of California, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," unlawfully, willfully, and intentionally, did kill, with malice aforethought, the Infant Victim, in violation of California Penal Code, Sections 187, 188, and 189.

Number 5: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First Degree Murder of
Victim-3

73. On or about November 28, 2011, in the Northern District of California, the defendants,

DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and
HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," unlawfully, willfully, and intentionally, and with deliberation and premeditation, did attempt to kill, with malice aforethought, Victim-3, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

Number 6: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First Degree Murder of
Victim-4

74. On or about November 28, 2011, in the Northern District of California, the defendants,

1 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

2 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

3 unlawfully, willfully, and intentionally, and with deliberation and premeditation, did attempt to kill, with
4 malice aforethought, Victim-4, in violation of California Penal Code, Sections 187, 188, 189, 21a, and
5 664.

6 Number 7: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First Degree Murder of
7 Victim-5

8 75. On or about November 28, 2011, in the Northern District of California, the
9 defendants,

10 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

11 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

12 unlawfully, willfully, and intentionally, and with deliberation and premeditation, did attempt to kill, with
13 malice aforethought, Victim-5, in violation of California Penal Code, Sections 187, 188, 189, 21a, and
14 664.

15 Number 8: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First Degree Murder of
16 Victim-6

17 76. On or about November 28, 2011, in the Northern District of California, the
18 defendants,

19 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

20 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

21 unlawfully, willfully, and intentionally, and with deliberation and premeditation, did attempt to kill, with
22 malice aforethought, Victim-6, in violation of California Penal Code, Sections 187, 188, 189, 21a, and
23 664.

24 Number 9: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First Degree Murder of
25 Victim-7

26 77. On or about November 28, 2011, in the Northern District of California, the
27 defendants,

1 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

2 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

3 unlawfully, willfully, and intentionally, and with deliberation and premeditation, did attempt to kill, with
4 malice aforethought, Victim-7, in violation of California Penal Code, Sections 187, 188, 189, 21a, and
5 664.

6 Number 10: DIONTE HOUFF and HOUSTON NATHANIEL, III - Attempted First Degree Murder of
7 Victim-8

8 78. On or about November 28, 2011, in the Northern District of California, the
9 defendants,

10 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," and

11 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No,"

12 unlawfully, willfully, and intentionally, and with deliberation and premeditation, did attempt to kill, with
13 malice aforethought, Victim-8, in violation of California Penal Code, Sections 187, 188, 189, 21a, and
14 664.

15 Number 11: JOHN DEVALIER DANIELS and JERMAINE EARNEST - Murder of Victim-10

16 79. On or about April 16, 2014, in the Northern District of California, the defendants,

17 JOHN DEVALIER DANIELS, a/k/a "John De'valia," a/k/a "Lil John," and

18 JERMAINE EARNEST, a/k/a "Maine," a/k/a "Acorn Maine,"

19 unlawfully, willfully, and intentionally, did kill, with malice aforethought, Victim-10, in violation of
20 California Penal Code, Sections 187, 188, and 189.

21 NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT DIONTE HOUFF

22 80. The allegations of Counts Nine and Twenty-Two of this Superseding Indictment are
23 realleged and incorporated by reference as though fully set forth herein.

24 81. As to Counts Nine and Twenty-Two of this Superseding Indictment, the defendant,
25 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay":

26 (1) was more than 18 years of age at the time of the offenses (18 U.S.C.
27 § 3591(a));

1 (2) intentionally killed the Infant Victim named in the respective capital
2 counts (18 U.S.C. § 3591(a)(2)(A));

3 (3) intentionally inflicted serious bodily injury that resulted in the death of the Infant
4 Victim named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

5 (4) intentionally participated in one or more acts, contemplating that the life of a
6 person would be taken or intending that lethal force would be used in connection with a person, other
7 than a participant in the offense, and the Infant Victim named in the respective capital counts died as a
8 direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

9 (5) intentionally and specifically engaged in one or more acts of violence,
10 knowing that the act or acts created a grave risk of death to a person, other than a participant in the
11 offense, such that participation in such act or acts constituted a reckless disregard for human life, and the
12 Infant Victim named in the respective capital counts died as a direct result of such act or acts (18 U.S.C.
13 § 3591(a)(2)(D)).

14 82. As to Counts Nine and Twenty-Two of this Superseding Indictment, the defendant,
15 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," in the commission of the offense,
16 knowingly created a grave risk of death to one or more persons in addition to the victim of the offense
(18 U.S.C. § 3592(c)(5)).

17 83. As to Counts Nine and Twenty-Two of this Superseding Indictment, the defendant,
18 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," committed the offense after substantial
19 planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

20 84. As to Counts Nine and Twenty-Two of this Superseding Indictment, the defendant,
21 DIONTE HOUFF, a/k/a "Bird," a/k/a "Birdman," a/k/a "Tay," committed the offense after substantial
22 planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

23 NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT

24 HOUSTON NATHANIEL, III

25 85. The allegations of Counts Nine and Twenty-Two of this Superseding Indictment are
26 realleged and incorporated by reference as though fully set forth herein.

1 86. As to Counts Nine and Twenty-Two of this Superseding Indictment, the defendant,
2 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No":

3 (1) was more than 18 years of age at the time of the offenses (18 U.S.C.
4 § 3591(a));

5 (2) intentionally killed the Infant Victim named in the respective capital counts (18
6 U.S.C. § 3591(a)(2)(A));

7 (3) intentionally inflicted serious bodily injury that resulted in the death of the Infant
8 Victim named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

9 (4) intentionally participated in one or more acts, contemplating that the life of
10 a person would be taken or intending that lethal force would be used in connection with a person, other
11 than a participant in the offense, and the Infant Victim named in the respective capital counts, died as a
12 direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

13 (5) intentionally and specifically engaged in one or more acts of violence,
14 knowing that the act or acts created a grave risk of death to a person, other than a participant in the
15 offense, such that participation in such act or acts constituted a reckless disregard for human life, and the
16 Infant Victim named in the respective capital counts died as a direct result of such act or acts (18 U.S.C.
17 § 3591(a)(2)(D)).

18 87. As to Counts Nine and Twenty-Two of this Superseding Indictment, the defendant,
19 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," in the commission of the offense,
20 knowingly created a grave risk of death to one or more persons in addition to the victim of the offense
(18 U.S.C. § 3592(c)(5)).

21 88. As to Counts Nine and Twenty-Two of this Superseding Indictment, the defendant,
22 HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," committed the offense after substantial
23 planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

24 89. As to Counts Nine and Twenty-Two of this Superseding Indictment, the Infant Victim
25 was particularly vulnerable due to his youth (18 U.S.C. § 3592(c)(11)).

90. As to Counts Nine and Twenty-Two of this Superseding Indictment, the defendant, HOUSTON NATHANIEL, III, a/k/a "No No," a/k/a "Lil No," intentionally killed or attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT JOHN DEVALIER DANIELS

91. The allegations of Counts Twenty-Four and Twenty-Five of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

92. As to Counts Twenty-Four and Twenty-Five of this Superseding Indictment, the defendant, JOHN DEVALIER DANIELS, a/k/a "John De'valia," a/k/a "Lil John,":

(1) was more than 18 years of age at the time of the offenses (18 U.S.C. § 3591(a));

(2) intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and Victim-10 named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

(3) intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than a participant in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Victim-10 named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D)).

NOTICE OF SPECIAL FINDINGS REGARDING DEFENDANT JERMAINE EARNEST

93. The allegations of Counts Twenty-Four and Twenty-Five of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

94. As to Counts Nine and Twenty-Two of this Superseding Indictment, the defendant, JERMAINE EARNEST, a/k/a "Maine," a/k/a "Acorn Maine":

(1) was more than 18 years of age at the time of the offenses (18 U.S.C. § 3591(a));

(2) intentionally killed Victim-10 named in the respective capital

counts (18 U.S.C. § 3591(a)(2)(A));

(3) intentionally inflicted serious bodily injury that resulted in the death of Victim-10 named in the respective capital counts (18 U.S.C. § 3591(a)(2)(B));

(4) intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and Victim-10 named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

(5) intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than a participant in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Victim-10 named in the respective capital counts died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D)).

DATED: 6/18/15

A TRUE BILL.

John Clinton Carroll
FOREPERSON

MELINDA HAAG
United States Attorney

David R. Callaway
DAVID R. CALLAWAY
Chief, Criminal Division

(Approved as to form: *Brigid S. Martin*)

AUSA Brigid S. Martin